1858-004 Chancery Causes: David Sparger &c vs. William Smyth &c
Lee Co.

Jones

CA - Debt
T - Property

To the Honorable Samuel D Fulkerson
Judge of the circuit court of Lee County
The Bill of complaint of David Spangler
Lewis B Spangler Peter Spangler and Michael
Spangler respectfully represents that at the
present term of the circuit court of Lee county
a judgment at law was obtained by William
Smyth for the benefit of William P Jones against
your orators for the sum of $900,00 besides
interest and costs which your orators conceive
ought to be perpetually enjoined To show which
your orators would beg leave to state that
the note upon which the said judgment is founded
was executed by your orators to the said William
Smyth in part consideration for a certain
tract or parcel of land situated in Lee County
which the said William Smyth sold to the
said David Spangler (one of your orators) at the
price of $1200,00 for which the said Wm Smyth
executed his title bond to the said David Spangler
binding himself to convey to the said Spangler
the said tract of land containing one
hundred and forty acres by deed with
covenants of general warranty which title
bond is herewith filed as part of this bill
marked (A) Your orators would further state
that at the time of the said sale of said tract
of land by the said Smyth to the said David
Spangler he the said Smyth showed the lines
of the said tract of land (that he was selling)
to the said David Spangler and pointed them
out as the true and proper lines of the said
tract of land that he was selling as aforesaid
Your orators charge that the said lines that

the said Smyth shewed as the true and proper lines of said tract of land were not the true and proper lines of the said tract of land & include a boundary of land that belongs to and is in possession of Rimrod & Ely to which the said Smyth has no title and can make no title therefor to the said David Spangler nor give any possession thereof to said D. Spangler who purchased the said land as aforesaid and the residue of your orators are the security of the said David Spangler on said note for said purchase money. Your orators charge that the said boundary of land that will be lost from the said tract runs in not far from the buildings and the damage sustained will be heavy by reason of the loss of it and your orators charge that the purchase of said land would not have been made if the lines had been shewn as they really existed all the purchase money is paid & except the said judgment and your orators have without at common law an adequate remedy in the premises and relievable only in a court of equity Their prayer therefore is that the said William Smyth and William P Jones be made parties Defendants to this bill and be required to make full true and perfect answer thereto on oath that an injunction be granted by Your Honor to stay all further proceedings upon the said judgment until the matters herein contained can be fully heard and adjudicated that upon a final hearing of the cause the said injunction be perpetuated and that such other and further relief be extended by your Honor to your orators in the premises as to justice and equity belongs and is needful to this case May it please your Honor to grant the Commonwealths writ of Sppa directed &c Ram

Lee County to wit

This day Levy B Spangler personally came before the undersigned and made oath that the allegations contained in the foregoing bill are true so far as they depend upon his own knowledge and that so far as they depend upon the information derived from others he believes them to be true given under my hand this 16th day of October 1858

John Riddle D C

David Spangler
& others

Bill

Wm Smyth and
Wm D Jones

Injunction granted
on the usual
Terms —
Chas. J. Dalton
16 Oct 58